

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION
STAFF REPORT**

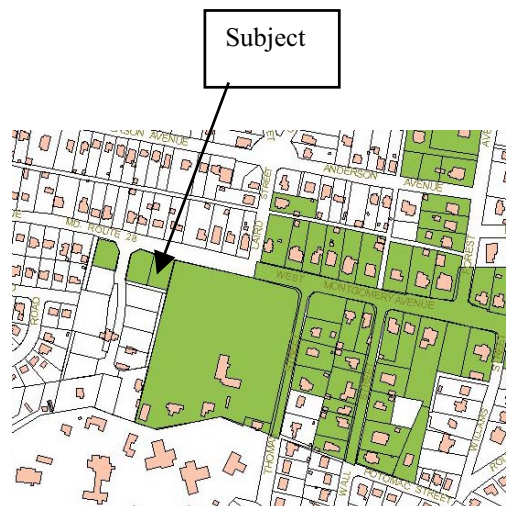
**November 18, 2004
MEETING NO. 12-2004**

APPLICATION: HDC03-00275 **REVISION**

DATE FILED: October 25, 2004

**APPLICANT/
OWNER:** NV Homes
Todd Hickman
522 W. Montgomery Ave.
Rockville, MD 20850

STAFF: Robin D. Ziek



PROPERTY DESCRIPTION:

The subject property is known as the Thirty Oaks development, formerly known as Buckingham. The original home at 522 West Montgomery Avenue was demolished and 13 new homes were built in the development, which also includes two existing houses and a park.

HDC2003-00275 **REVISION** concerns the house at 522 West Montgomery Avenue; this was formerly reviewed as “A, Lot 1.”

PREVIOUS ACTIONS AT THIS ADDRESS:

| | |
|---------------|--|
| DEM2004-00034 | Demolish one single family residence and two outbuildings |
| PLT2003-00404 | Thirty Oaks, Lots 1-13, Parcels A-E, Block A |
| PWK2004-00006 | Thirty Oaks Subdivision Public Improvements |
| PWK2004-00013 | Protection of public improvements for demo of existing structure |
| HDC03-00275 | Construct new home |

REQUEST:

The Applicant requests a Retroactive Certificate of Approval to build a 1-story shed roof addition in the southeast corner (rear elevation, east side) of the house. The additional room measures 8’ x 17’ (136 square feet).

The house is currently under construction and a Stop Work Order has been placed on the continued construction of the additional room, pending HDC review. The applicant is aware that this additional room will be removed if the HDC does not give its approval.

BACKGROUND:

The applicant came to the Commission for two Courtesy Reviews, and for a Certificate of Approval that was extended to two meetings. The application for new construction was unusual because it is part of a Planned Residential Units (PRU) development approved by the Mayor and Council. Only three lots within the PRU are subject to HDC review and approval. These lots front West Montgomery Avenue, and are in the West Montgomery Avenue Historic District. The setbacks, the footprints and the house locations were determined by the PRU. The HDC review focused on design, materials, and compatibility with the overall historic district. The HDC approved construction of this house on February 19, 2004.

PROBLEM:

While Todd Hickman of NV Homes was working with the City of Rockville to secure all the necessary reviews and approvals, the sales department was operating under their typical rules. Typically, the Sales Department is given a set of approved options amongst which the new owners may choose. In this case, the Sales Department offered the 1-story shed roofed room at the rear as an option to the new owners, and in the three cases along West Montgomery Avenue, the new owners paid an additional amount for the construction of the room. Unfortunately, the Sales Department and Todd Hickman's division did not communicate, and were therefore uncoordinated in their efforts. The result is that the building went to construction with an unapproved additional room at the rear.

REVIEWS:

The applicant has already been before the **Planning Board** (November 3, 2004) for the review and approval of additional 2nd story rooms at two interior buildings (on Lots 4, and 10); and for review and a recommendation to the HDC for the construction of the 1-story rear additions at Lots 1, 2, and 13. The Planning Board approved the construction of a room over the garage at Lots 4 and 10 because it fit within the prescribed envelope, setback, and design standards for the project. They are also recommending that the HDC approve the construction of the 1-story rear additions at Lots 1, 2, and 13 for the same reasons.

At the same time, the Planning Board was distressed at the failure of management and lack of coordination of NV Homes. They investigated the potential of fines, but the City Attorney noted that the new construction fit within the requirements of the PRU despite the fact that they failed to follow their approvals. In the past, the City has fined applicants for failing to meet building standards, such as required setbacks, lot coverage, or building height. In the end, NV Homes proffered a \$500 donation to the Rockville Volunteer Fire Department, which the Planning Board accepted.

STAFF RECOMMENDATION:

The staff recommends approval of this construction, retroactively, on the grounds that the proposed additional room is compatible with the prior Certificate of Approval. The new room is at the rear, is of a minimal height, and is not intrusive in the historic district. The shed roof

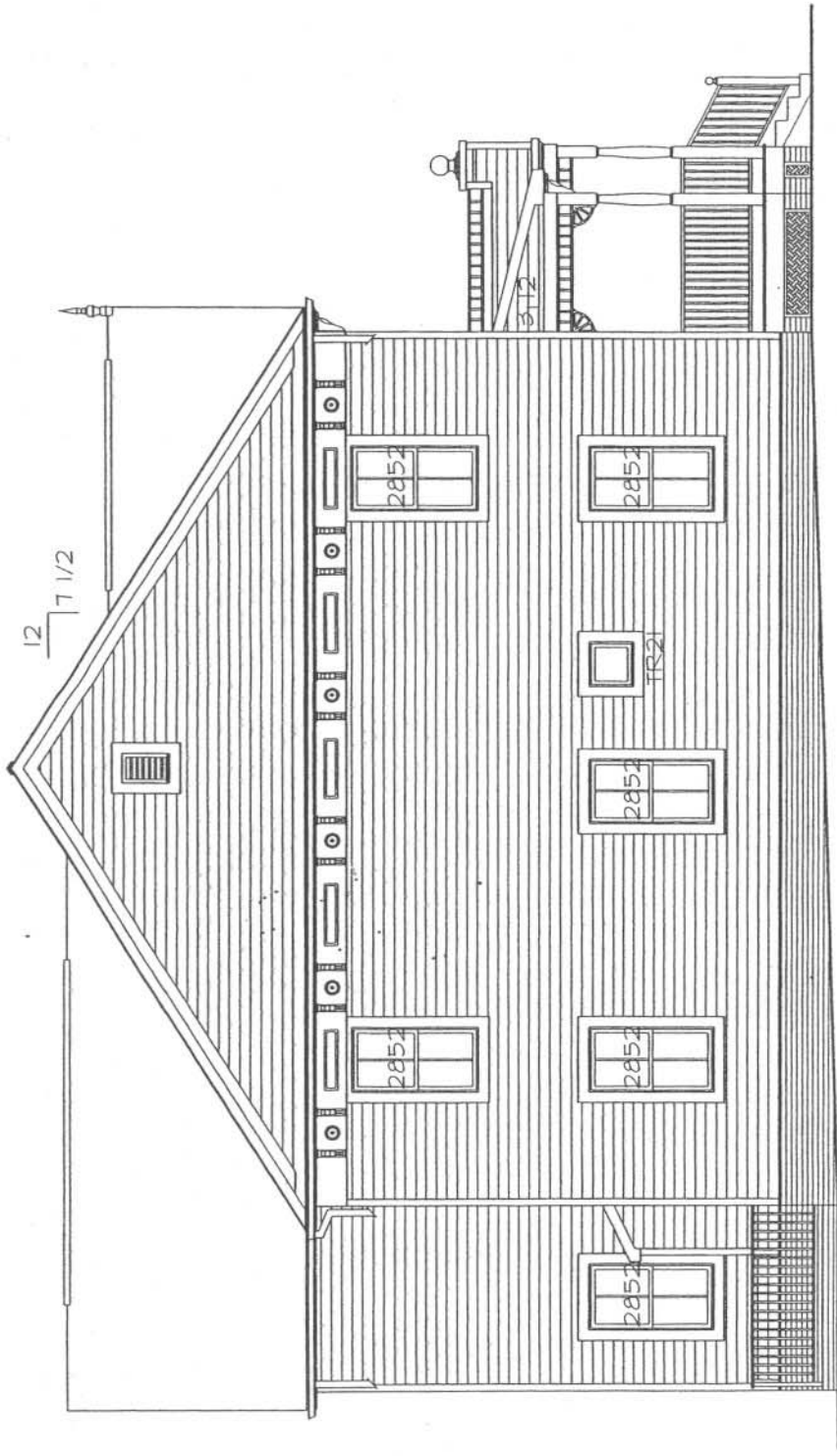
massing is subsidiary to the main house, with its gable roof. The new work meets the Secretary of the Interior's *Standards for Rehabilitation* #9, which references that new construction will not destroy...spatial relationships that characterize the property [*or, in this case, the historic district*].

DRAFT MOTION: Finding HDC2003-00275 REVISION for a 1-story rear addition at 522 West Montgomery Avenue in compliance with the Secretary of the Interior's Standards for Rehabilitation #9, I move approval of the application.

LOT 1 - APPROVED
LEFT SIDE ELEVATION A

HDC 2003 - 00275

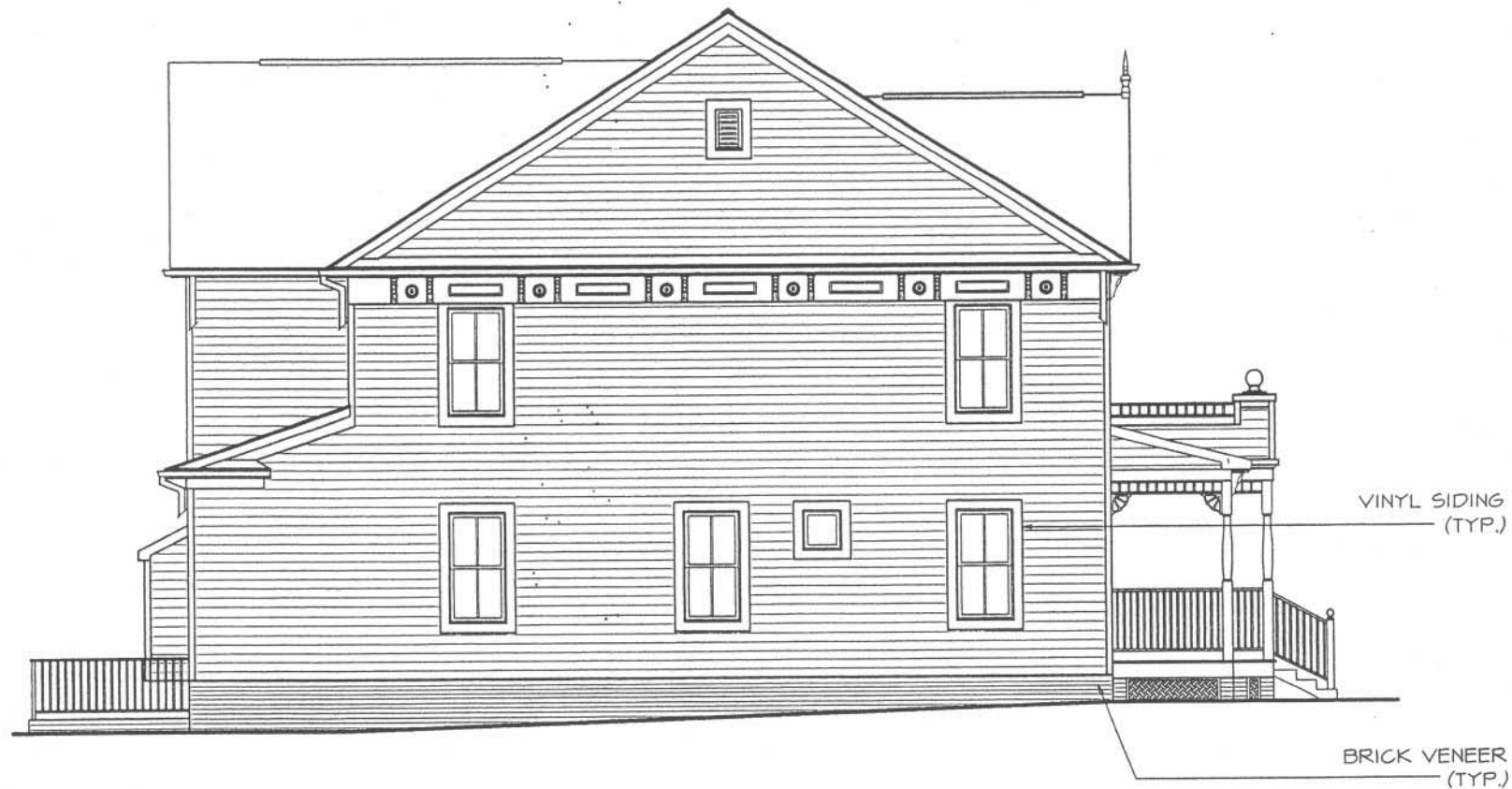
FINAL 6/14



2
LEFT SIDE ELEVATION "A"

1/8" = SCALE

LOT 1 - PROPOSED
8' FAMILY ROOM EXTENSION
LEFT SIDE ELEVATION A



2 LEFT SIDE ELEVATION "A"

PROJECT INFORMATION:

COMMUNITY: THIRTY OAKS
 LOT NUMBER: 0001
 HOUSE TYPE: DARTMOUTH "A"
 VICTORIAN
 FRONT ELEVATION: SIDING
 COLOR SCHEME:

| | | | | | |
|--|---------------------------|-----------------|-------------------------|----------|------------------------------|
| SHEET NO. A-1 | MODEL DARTMOUTH | SET NO. 05600 | REV. NO. | DATE | REMARKS |
| | | VERSION II | 1 | 10/21/04 | ADD 8' FAMILY ROOM EXTENSION |
| DRAWING TITLE LEFT SIDE ELEVATION "A" | | DRAWN BY D.J.C. | ISSUED FOR CONSTRUCTION | | |
| OPTION DESCRIPTION SIDING FRONT | | DATE: 3/19/04 | | | |
| 2 | ELB, EVA | BY: _____ | | | |

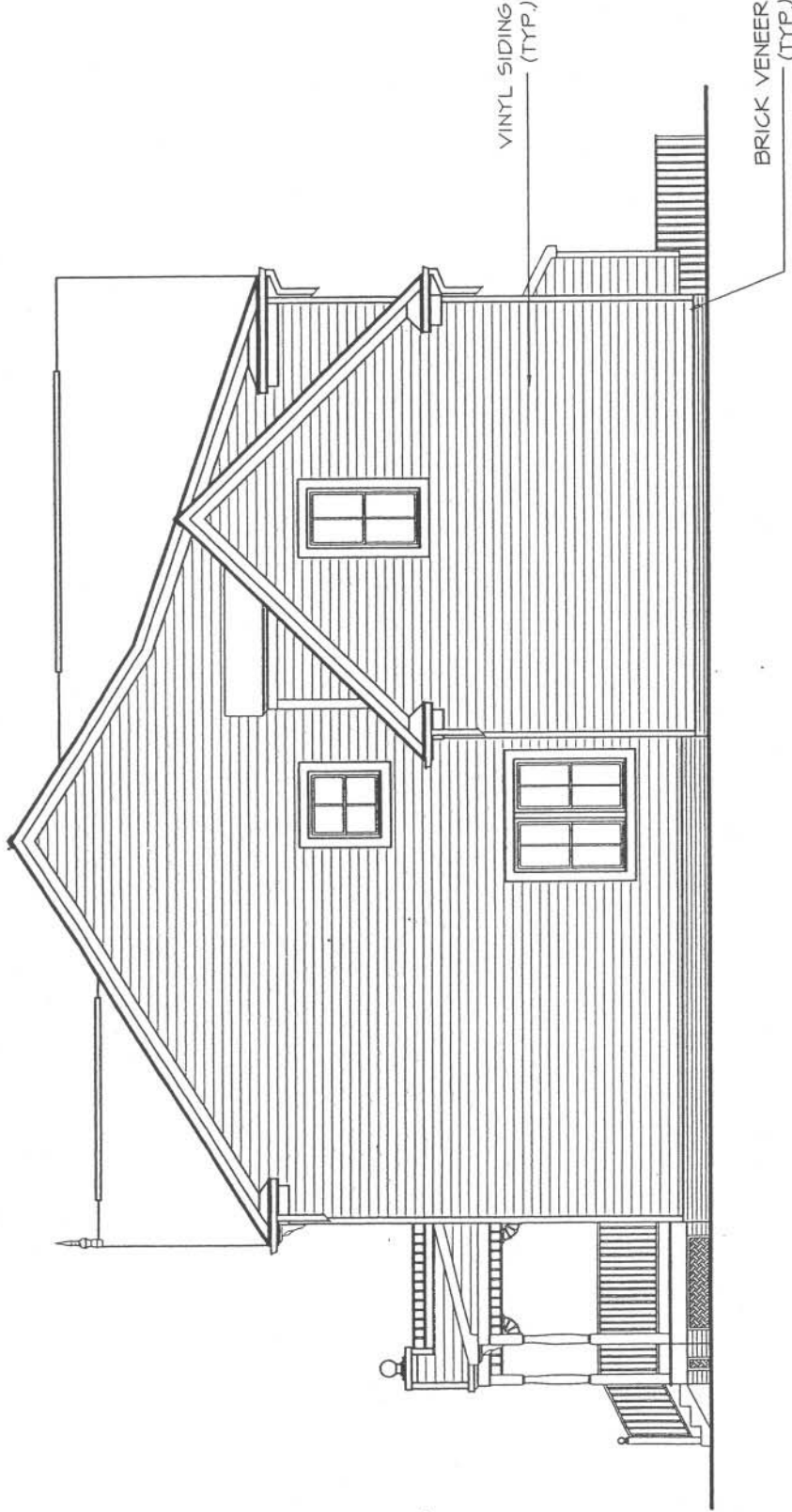


FINAL G/14



5

LOT 1 - PROPOSED
8' FAMILY ROOM EXTENSION
RIGHT SIDE ELEVATION A



RIGHT SIDE ELEVATION "A"

PROJECT INFORMATION:

COMMUNITY: THIRTY OAKS
 LOT NUMBER: 0001
 HOUSE TYPE: DARTMOUTH "A"
 FRONT ELEVATION: VICTORIAN
 COLOR SCHEME: SIDING

| | | | | | | | | | | | |
|--|--|-----------------------------------|--|------------|--|--------------|--|----------------|--|----------|--|
| SHEET NO. 3 | | DRAWING TITLE DARTMOUTH | | VERSION II | | DATE: 3/4/04 | | DRAWN BY: D.C. | | ELA, EVA | |
| OPTION DESCRIPTION RIGHT SIDE ELEVATION "A" | | DRAWING TITLE DARTMOUTH | | VERSION II | | DATE: 3/4/04 | | DRAWN BY: D.C. | | ELA, EVA | |
| SHEET NO. 3 | | DRAWING TITLE DARTMOUTH | | VERSION II | | DATE: 3/4/04 | | DRAWN BY: D.C. | | ELA, EVA | |

ISSUED FOR CONSTRUCTION

BY: _____

DATE: _____

REV. NO. _____

DATE: _____

REMARKS

J:\Dwg\my_cust\Division Projects\MDW\Thirty Oaks\10-0001-DARTMOUTH-VIC\ELVB-BK.dwg 10/21/04 - 2:18 pm

FINAL 6/14

LOT 1 - APPROVED
REAR ELEVATION A



REAR ELEVATION "A"

LOT 1 - PROPOSED
8' FAMILY ROOM EXTENSION
REAR ELEVATION A



4 **REAR ELEVATION "A"**

PROJECT INFORMATION:

COMMUNITY: THIRTY OAKS
 LOT NUMBER: 0001
 HOUSE TYPE: DARTMOUTH "A"
 VICTORIAN
 FRONT ELEVATION: SIDING
 COLOR SCHEME:

| | | | |
|-------------------------|--|---------------------------|---|
| SHEET NO. A-1 | MODEL DARTMOUTH | SET NO. 05600 | REMARKS ADD 8' FAMILY ROOM EXTENSION |
| | DRAWING TITLE REAR ELEVATION "A" | VERSION II | |
| 4 | OPTION DESCRIPTION SIDING FRONT | DRAWN BY DJC | ISSUED FOR CONSTRUCTION BY: _____ |
| | | DATE: 3/9/04 | |
| | | OPTION ELB, EVA | |

LOT 2 - APPROVED
LEFT SIDE ELEVATION B

FINAL 6/14



2 LEFT SIDE ELEVATION "B"

LOT 2 - PROPOSED
8' FAMILY ROOM EXTENSION
WELLED EXIT
LEFT SIDE ELEVATION B



2 LEFT SIDE ELEVATION "B"

PROJECT INFORMATION:

COMMUNITY: THIRTY OAKS
 LOT NUMBER: 0002
 HOUSE TYPE: DARTMOUTH "B"
 VICTORIAN
 FRONT ELEVATION: BRICK
 COLOR SCHEME:

| SHEET NO. | MODEL | DRAWING TITLE | OPTION DESCRIPTION | SET NO. | VERSION II | DRAWN BY | DATE | REV. NO. | DATE | REMARKS | |
|-----------|-----------|-------------------------|--------------------|---------|------------|----------|---------|----------|----------|-------------------------------------|--|
| | | | | | | | | | | | |
| A-1 | DARTMOUTH | LEFT SIDE ELEVATION "B" | BRICK VENEER FRONT | 05600 | VERSION II | DJC | 7/28/04 | 1 | 3/25/04 | D.E. - ADD LOWER | |
| 2 | | | | | | | | 2 | 10/10/04 | D.E. - ADD 8' FAMILY ROOM EXTENSION | |





City of Rockville

MEMORANDUM

October 27, 2004

TO: Planning Commission

FROM: Scott E. Parker, AICP
Planner III *SEP*

THRU: Bob Spalding, AICP
Chief of Planning *BJS*

SUBJECT: Revised Plans for the Thirty Oaks Subdivision (formerly the Buckingham site).

During a recent inspection of the Thirty Oaks subdivision by Planning staff, it was noticed that the homes on Lots 1, 2, 4, 10 and 13 were not constructed as per the approved plans. You may recall that as part of the approval process of PRU2001-00020, the Planning Commission was tasked with approving the elevations of eight homes within the interior of the 13-unit development. The Historic District Commission was required to approve the three houses on West Montgomery Avenue.

The changes to the homes on Lots 4 and 10 are the addition of "bonus" rooms above the garage. The net effect of this change is the addition of two dormers to the front elevation of the homes, as well as slightly increasing the rear façade mass above the garages. It should be noted that staff was encouraging this type of change during the initial evaluation of the elevations, and we would have recommended approval of this type of design. The Planning Commission did approve this design feature on other houses in the neighborhood.

Additionally, the three houses on Lots 1, 2 and 13 that front on West Montgomery Avenue, located within the West Montgomery Avenue Historic District, have also been changed. These houses have a ground floor bonus room added. This change requires a recommendation from the Planning Commission to the Historic District Commission, who ultimately has authority over these houses per the Resolution for Thirty Oaks. These changes would also not have resulted in an objection from Planning staff.

The Planning Commission will have two actions associated with the request. The first is to review and act on the revisions to Lots 4 and 10. The second is to review the revisions to Lots 1, 2 and 13 and make a recommendation to the HDC.

It should be noted that Lot 4 is the only house occupied. The other houses have been issued stop work orders until this issue is rectified. A November 18, 2004 review date has been established with the Historic District Commission (HDC).

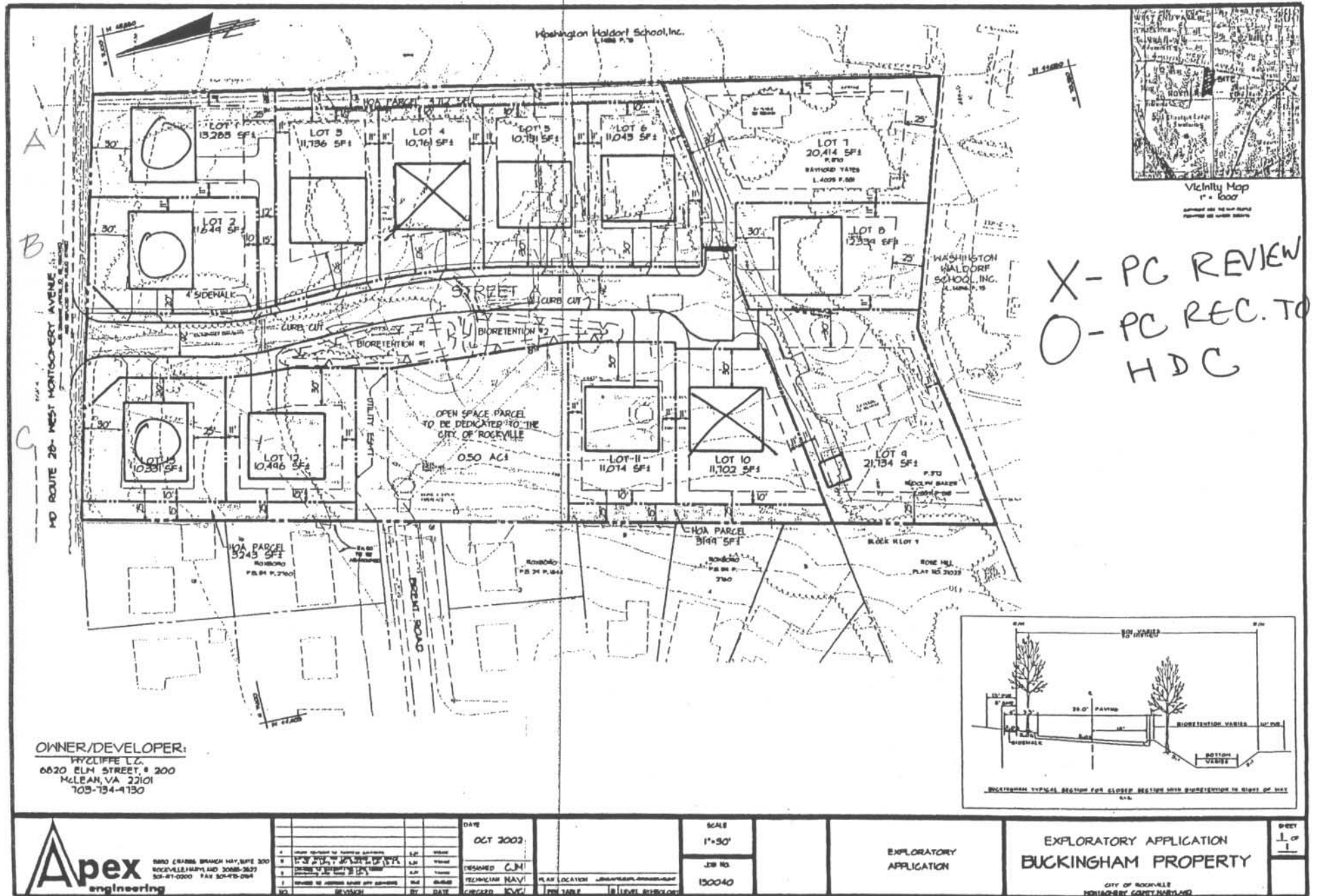
Page 2
October 28, 2004

Attached, you will find comparisons of the approved elevations and the proposed elevations.

/sep

Attachments

EXHIBIT A





October 25, 2004

Mr. Frank Hilton
Chair - Rockville Planning Commissioners
111 Maryland Avenue
Rockville, MD 20850

RE: Thirty Oaks Community

Dear Mr. Hilton:

After speaking with Scott Parker, NV Homes would like to resubmit for approval to the City of Rockville's Planning Commission new homesite elevations on five of our lots that were built in the Thirty Oaks Development.

Attached please find two separate packets for the five homes requiring approval. The first packet contains the initial versions of each lot approved by the City of Rockville. The second packet contains our proposed and current construction of each home, which we are requesting your approval and/or recommendation of changes that will fit within the guidelines of the City of Rockville's Planning Commission. Please note that each of the proposed elevations has a description in the top left-hand corner, which describes the item(s) changed: 8' family room extension, alternate 2nd Floor, and welled-exit.

I understand that there is a City of Rockville Planning Commission meeting on Wednesday, November 3rd and was hoping that the newly proposed elevations could be reviewed at that meeting. I would be interested in speaking with you prior to the meeting to address any questions or concerns that you may have regarding the originally approved elevations and the now proposed elevations of these five homesites. I can be reached at anytime on my mobile phone at 240.994.0534.

We truly appreciate your support and are hoping to make this a smooth process for both the City of Rockville and our new homeowners.

Best Regards,

Joseph P. Morrissey
General Manager
NV Homes - Maryland West